

BOARD OF SUPERVISORS

Brown County



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LAND CONSERVATION SUBCOMMITTEE

Norb Dantinne, Chair
Dave Kaster, Vice Chair
Bernie Erickson, Mike Fleck, Dan Haefs, Norbert Vande Hei

LAND CONSERVATION SUBCOMMITTEE

Monday, July 26, 2010

6:30 p.m. (TOUR & PD&T to Follow)

Room 161, Ag & Extension

1150 Bellevue Street

- I. Call Meeting to Order.
 - II. Approve/Modify Agenda.
 - III. Approve/Modify Minutes of Land Conservation Subcommittee of June 28, 2010.
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1. Working Lands Initiative Review (Attachments: Rockland Draft WLI, Schuette Brown Resp.) - Jim Jolly.
 2. Update/review of City of Green Bay bow hunt at Mental Health Center – Jon Bechle
 3. Land and Water Conservation Department Monthly Budget Update (copy will be provided at meeting).
 4. Director's report.
 5. Such other matters as authorized by law.

Norb Dantinne, Chair

Notice is hereby given that action by the Committee may be taken on any of the items which are described or listed in this agenda.

Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda.

**PROCEEDINGS OF THE BROWN COUNTY
LAND CONSERVATION SUBCOMMITTEE**

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Land Conservation Subcommittee** was held on Monday, June 28, 2010 in the UW-Extension Auditorium -1150 Bellevue Street, Green Bay, Wisconsin

Present: Norb Dantinne, Bernie Erickson, Mike Fleck, Dan Haefs, Dave Kaster
Norb VandeHei
Also Present: Tom Hinz, Bill Hafs, Jim Jolly, Cole Runge, Interested Parties, Media

I. **Call Meeting to Order:**

The meeting was called to order by Chairman Norb Dantinne at 6:30 p.m.

II. **Approve/Modify Agenda:**

Motion made by Supervisor Erickson and seconded by Supervisor Kaster to approve the agenda. MOTION APPROVED UNANIMOUSLY

III. **Approve/Modify Minutes of Land Conservation Subcommittee of June 1, 2010:**

Motion made by Supervisor Fleck and seconded by Norb VandeHei to approve the minutes. MOTION APPROVED UNANIMOUSLY

Review Working Lands Initiative requirements for Land and Water Conservation Department, budgetary impacts and recommendations.

Land and Water Conservation Program Manager Jim Jolly provided handouts (attached) re: Wisconsin's Working Lands Initiative and stated that this was a remake of the WI Farmland Preservation Program. He stated that this program had started January 1, 2010 and noted that their department anticipated an increase in their workload. Jolly referred to the handout and gave a brief history of the program and what it was. He stated the program had been retooled from the former preservation program because it wasn't fulfilling its purpose.

With regards to eligibility Supervisor Dantinne stated that he had attended several hearings with regards to this and noted that the information was incorrect. You could own as little as an acre of land; it doesn't have to be a minimum of 35 any longer; he stated that that requirement is null and void.

Jolly stated that he projected that the new Working Lands Initiative's \$7.50 per acre flat rate payments, which is almost double what it was, would increase participation rates. There are some land owners that opted out of the program at the end of last year because of the fear of conversion fees however he felt there would be smaller land owners that would take advantage of this program.

With regards to new requirements of the Land Conservation department, Jolly referred to items #1-6 on a second handout (attached). He stated the program was an unfunded mandate and the state required a lot from their department. Items #1 and #2 are hours that they have to complete this year that were unanticipated. They will have to narrow down by the end of the year who is in and who is no longer in the program by working with villages, towns and the Department of Agriculture. Jolly stated that this will be a fluid

thing and it will go up and down on an annual basis. He felt it will be interesting trying to keep track of everything but noted that DATCP had planned to help. The Land Conservation department will send a list of landowners to DATCP and DATCP will check to see who is in the program and send out letters. The Department of Revenue stated they will not provide to the county a list of participants due to privacy matters. Hafs stated that the bottom line was that if they administer this program they will have to have a yearly signup out of their office. In the past people were coming into the office claiming the credit but the state buckled down and requires a certification sheet from the county Land Conservation department. If they sign their income tax form but do not have the certification, it is considered tax fraud.

Discussion ensued with regards to the concerns of landowners. Dantine felt that landowners may feel that it's not worth their time to deal with the regulations for a couple hundred dollars a year in return. Jolly stated in reality the same statutes apply to all agriculture land in the state and they have to comply with NR151 standards. What the Farmland Preservation Program does is require the Land Conservation department to go out to those farms once every four years to field inspect and do a whole land conservation plan to make sure they are in compliant. Dantine felt that the state was forcing planning for every municipality in the State of Wisconsin. If a farmer signed up for this program their land and developer rights are tied up for 10 years and if they end up developing their land they will be penalized per acre. A zoning authority may, from time to time, rezone individual parcels out of a certified farmland preservation district but special procedures and conversion fees apply.

Principal Planner Cole Runge responded that they were bringing forward the projections on what it is going to take their department in additional time with regards to the conservation aspect (see handouts). With regards to potential strategies, if the county chooses to participate in the program, the Planning Department's recommendation would be option #2.

Haefs stated he had several concerns; it is hard for him to levy dollars or take option #2 because he doesn't know what the budget will be. He felt this should be part of the budget discussion in November. He has a problem charging the law abiding citizens and felt they should look for abuser fees, etc. to generate money for programs like these rather than charge citizens to be in programs. Haefs was concerned with filling 3,000 hours for data collection. He felt it was the biggest waste of time and money for taxpayers in government. Jolly interjected that the majority of the time will be spent on the farms, providing landowners a service. Hafs stated he was aware of the concern with regards to the zoning aspect but felt this program will benefit Brown County and bring in a ton of money. He stated that they had contacted several other counties to see how they were going to pay for the additional hours and they all stated with a user fee.

Kaster stated through the process of elimination, at this point, he would support item #2. He stated he understood why it was being brought forward now. Fleck agreed and felt it was best to bring this forward now than wait for budget time.

Supervisor Van Vonderen stated that the Town of Rockland put together a draft of their Farmland Preservation Map and submitted it to DATCP. They had a public hearing and sent invites to all farmers and property owners and the vast majority pulled out because of the conversion fee. They then submitted their maps showing the farmers that wanted to stay in and only had about 4-5, the rest pulled out. Her understanding was that other towns are running into the same problems. DATCP came back and stated that if they were going to allow their farmers to change whether they wanted in or out then the maps would not be certified because it had to be done at the town level drawing the line. DATCP is scheduled to do a presentation Wednesday, July 14, 2010 at 7p.m. at the Wrightstown High School in their auditorium. They plan to go into more detail letting

towns know how their maps are going to be certified. If towns don't state the criteria then they will not certify these maps. If the Town of Rockland won't allow their residents to have the option to opt in or out, they will voluntarily pull the entire town out and just let the last two years of the program run. As long as there is a town wide re-zone into a new agricultural district, those farmers and property owners do not pay a conversion fee. Van Vonderen felt that right now DATCP is not making this friendly and wants towns to say this is farmland preservation. She felt that if this is what is communicated to the towns and their people, then there will be far more land coming out and people will just let the credits expire for the next two years. Van Vonderen informed that the Town of Ledgeview pulled their whole town out. She stated the problem in hand is that landowners do not want to be locked in and are able to make a move at any time. She stated DATCP had come back and given an option to create a conditional use permit allowing some development to take place without a conversion fee.

Motion made by Supervisor Erickson and seconded by Supervisor Fleck to suspend the rules to allow interested parties to speak. Vote taken. MOTION APPROVED UNANIMOUSLY

Jeff Van Straten, Town Chairman of Ledgeview

Van Straten confirmed that Ledgeview pulled out stating it made the most sense and they rezoned. He was concerned with the automatic reenrollment after 10 years stating that if the land was transferred to another family member and they were unaware of the automatic reenrollment they would be penalized with conversion fees at that time. Van Vonderen stated that that was true unless their map was changed; it gets changed every 10 years. It was her understanding that the maps can be updated every 5 years.

Motion made by Supervisor Erickson and seconded by Supervisor Kaster to return to regular order of business. Vote taken. MOTION APPROVED UNANIMOUSLY

Motion made by Supervisor Erickson and seconded by Supervisor Kaster to hold item for one month. Vote taken. MOTION APPROVED UNANIMOUSLY

2. Land and Water Conservation Department Monthly Budget Update.

Motion made by Supervisor Erickson and seconded by Supervisor Fleck to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

3. Director's Report.

Hafs referred to the handouts in the packet and briefly went through them with the committee.

Motion made by Supervisor Erickson and seconded by Supervisor Fleck to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

4. Such Other Matters as Authorized by Law: None.

Motion made by Supervisor Fleck and seconded by Supervisor Kaster to adjourn at 7:19 p.m. MOTION APPROVED UNANIMOUSLY

Respectfully submitted,

Alicia A. Loehlein
Recording Secretary



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

June 8, 2010

Aaron Schuette, Senior Planner
Brown County Planning Commission
305 E. Walnut Street
P. O. Box 23600
Green Bay, WI 54305-3600

Dear Mr. Schuette:

This letter is in response to your question related to what would not be considered a valid rationale for designating which areas are included (or excluded) from the county farmland preservation plan map and that would not likely be certified by the department for the farmland preservation program.

Different sets of conditions will likely be considered on a case by case basis relative to certification for farmland preservation plans and the rationale used to designate farmland preservation areas. However, the department will most likely not certify a farmland preservation plan that:

- fails to include a rationale used to determine which areas that the county plans to preserve for agricultural use.
- includes a rationale used to determine which areas that the county plans to preserve for agricultural use, but has a plan map that is substantially inconsistent with the identified rationale.
- the rationale used and proposed plan map will result in a scenario of substantial voluntary zoning, which is not a legal basis for determining land use zoning
- the rationale used and proposed plan map will result in a scenario of substantial spot zoning, which is not a legal basis for determining land use zoning
- the rationale used to determine the areas that are planned for development is substantially inconsistent with projections for the need or likelihood for development

There are a large number of perfectly appropriate rationales for designating which lands a county wishes to preserve for agricultural use. Unfortunately, some of the local governments are more focused on how to refrain from having to implement the rezone conversion fee rather than focusing on trying to reduce land use conflicts and recognize agriculture as an important component of the state, and in most instances also the local economy.

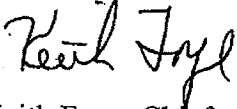
Agriculture generates \$59 billion for Wisconsin

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I will send a separate email to you regarding your request to schedule a meeting with the towns in Brown County related to the questions about farmland preservation planning and other issues related to the working lands initiative.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Foye". The signature is written in a cursive, slightly slanted style.

Keith Foye, Chief
Land Management Section
(608) 224-4603

cc: Kathy Pielsticker, Administrator, Division of Agricultural Resource Management